

TEXAS TEA NEWSLETTER



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OUR GOAL

With each issue of the Texas Tea Newsletter, we are determined to provide news articles and information for those currently held in Civil Commitment in Texas and other states across the country. We hope to bring awareness to the differences between

what lawmakers portray Civil Commitment to be and the harsh reality that is kept from the public. Through the efforts of the released, loved ones, and those still kept behind razor wire fences, we will shed light upon the unjust situations within these "treatment facilities".

EDITOR'S CORNER

Hear what the editor has to say about this month's issue, encouraging words, and updates on future releases.

INSIDER NEWS

Read first-hand accounts of the atrocities within the Texas Civil Commitment Center in Littlefield, Texas.

WANT TO CONTRIBUTE?

Send your stories to texas-tea-newsletter@gmail.com or to P.O. Box 3226, San Marcos, TX 78666 to be featured in the next issue!

EDITOR'S NOTE

Hello all! Welcome to another issue of Texas Tea Newsletter. As the days and months pass by, we are always working and trying to gather as much information as we can. Continuing to get the word out about Texas Civil Commitment is my goal and with each issue we reach more people. The newsletter is distributed, with the help of really smart and great people, to 20 states, plus advocates, and shared to the Cure Sort Group.

So as I have started to hear rumblings about the newsletter not being allowed to be distributed at the facility, I know it is still being seen. I find it hard to believe my little homemade newsletter is deemed to be "harmful to treatment" when in fact there is little to no treatment going on. As admitted by TCCO themselves in the February Board Meeting minutes, residents are not receiving adequate treatment. But that issue is MTC's fault, not TCCO's, as they passed the buck on that one. And I guess its my fault for harming what little treatment there is.

Sometimes its easier to push the blame on to others than to accept it may be our own fault. Isn't that taught in the treatment program required by the residents? Time to practice what you preach TCCO. Sip that tea.



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We must accept finite
disappointment, but never
lose infinite hope.

Martin Luther King JR.

WHAT'S BREWING?

Legal experts, critics say program could violate Constitution

Legal from page B1

Beaumont, Jefferson County officials, however, are fighting the plan, refusing to give the facility back to the state, saying nearby residents do not want that many sex offenders in the area.

The housing crisis worsened Monday when state officials learned as many as 15 civilly committed sex offenders in east Austin may have to move because they are living too close to a new charter school building under construction.

No one released

The civil commitment program is supposed to be an outpatient treatment program for violent sex offenders who have completed their prison sentences but are believed to be a continuing danger to society. A year-long series of stories by the Houston Chronicle revealed that none of the more than 350 men ordered into the program by a court have

completed treatment and been released in its 15-year history. Nearly half of those have been sent back to prison — some for life — for violating program rules, including some as simple as being late for group therapy or failing to recharge their ankle monitors properly.

While civil commitment programs for sex offenders have been upheld by the courts, legal experts and critics say the Texas program's questionable treatment and frequent use of prison time to punish rule-breakers could run afoul of constitutional standards.

The Chronicle stories also revealed allegations of mismanagement, administrative disarray and contracting irregularities within the Office of Violent Sex Offender Management, which oversees the civil commitment program. The findings led to the ouster of the former executive director and the resignations of several senior staffers.

Among the problems discussed by state officials and witnesses during an hour-long public hearing Tuesday were spotty treatment programs, mentally ill offenders being confined without treatment, life sentences in prison for minor rules violations, lack of care for disabled offenders, and a judge who was booted off more than a dozen cases because of alleged bias.

Local decision

Under a revised version of Senate Bill 746 unveiled Tuesday, a single court in Conroe no longer would have sole authority over who goes into and out of the program. Instead, the commitments would be decided by a court in the county in which the offender originally was convicted of a sex crime.

After an offender successfully completes the treatment program, the local court would decide whether he should be released to live on his own,

wearing an electronic monitoring device 24 hours a day. Mental health and sex-offender treatment would be beefed up and offered to everyone.

Nancy Bunin, a Houston attorney who represents some of the offenders, said the current program "is out of control," and the reforms, though not perfect, would go a long way toward correcting many of the problems, including removing the current Conroe judge from presiding over all the cases.

"Up until this point, it was very apparent to me that these cases were simply a back door way to send people back to prison," she said.

Whitmire and several witnesses warned that without sweeping reforms, the program appears a likely candidate to be declared unconstitutional in one of 13 federal lawsuits now pending.

"Right now, if we were to lose this program, our most dangerous sex of-

fenders would be left without supervision," said Christy Jack, chairman of the agency's board.

Expensive burden

Whitmire said the proposed changes would lessen an expensive burden imposed on taxpayers in five cities — Houston, Dallas, Fort Worth, El Paso and Austin — who now have to pick up the tab for most of the offenders' health costs.

The bill would require the state Health and Human Services Commission to take custody of and care for offenders in the program who have psychiatric problems, or are disabled.

"We have people now who are confined for having mental illness," said Nicholas Hughes, a Houston lawyer and public defender who has represented several men in the program. "This is a mental health program."

Under the bill, the Office of Violent Sex Offender Management would be

renamed the Texas Civil Commitment Office.

Hours before Tuesday's hearing began, a fiscal note that accompanies every bill showed the program will cost \$50.7 million over five years. Those costs are to cover an increasing number of offenders in the program, along with increases for appropriate health care and treatment programs.

The House-passed budget includes just \$11.9 million for the program. The Senate version of the budget includes \$7.5 million.

Whitmire said that after the state budget passes the Senate, probably next week, he intends to get his committee to approve the reform bill, despite lingering questions among some senators about the cost. Even if it is approved by the Senate, the measure will face more questions in the House.

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Wed. April 8th

Photocopy of article provided by
a TCCC Resident

INSIDER NEWS

HUNTING BOOGIE MAN

By a TCCC Resident

The Crimes - There are a few thousand sex offenses (Boogie Man) prosecuted in the state of Texas each year, crimes ranging from indecent exposure (someone urinating in a park) to the abduction, rape and murder of children. The news networks covered the worst offenses and gained ratings across the nation from very rare sexually motivated crimes. In the past thirty years, the public has been shocked and outraged by the sensationalization of those sex offenders. John Walsh, Steve Wilkos and many politicians didn't waste any opportunity to cash in on the shock and fear mongering. Now society enjoys a variety of news, drama and organized movements reacting to the hype of the latest witch hunt.

The profile - The Boogie man is always male. He lurks in shadows and snatches children from parks. Victims are lucky to live to tell the tale of their horror. No sex offender is stable and any or all of them could unexpectedly commit the

next offense. They come from homosexuality, alcoholism, drug addiction and of course victimization.

The legislation - From the political push, society pressured congress to do something about these heinous crimes and create public safety. It was determined that the Boogie Man existed and unconventional law had to be made to find and catch him. By this time just the name "sex offender" elicited tremble and defense. Sex offenders gave every other offender in prison moral highground because of this imagery and casting.

The Multi-Disciplinary Team - Prison officials decide which sex offenders qualify for SVP civil commitment. This isn't by any professional observation or specific behavior in prison. They make their determination by reviewing criminal records and requests from the Texas Civil Commitment Office. There is no reason to believe that any sex offender has a condition other than criminal behavior.

The Forensic Psychiatrist

The Special Prosecution Unit

What's So Much Better?

By a TCCC Resident

The Civil Commitment program in Texas was originally the only outpatient civil commitment program in the country. The program was designed to provide treatment to sex offenders that suffered from a so-called diagnosis of a behavioral abnormality, which is actually a legal term, not medical. The treatment and training that the outpatient program provided was first and foremost and all of the therapists were actual licensed sex offender treatment providers. Clients would receive three hours a week/an hour and a half two days out of the week of treatment. The family members of the clients were more involved in their family member's treatment, being included in family sessions to learn and understand what their family member's triggers, red flags, and tendencies are so that families will be aware of what to look for and recognize if one is in a cycle. The on-hand training that the clients experienced in the outpatient program would

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meetings with the case manager weekly to schedule the weekly activities. For instance, scheduling an appointment was like going to cash their gate check at the grocery store when just released from the printer to be able to go to DPS to get their application to be able to go to the police station to register I person which is required by law. The guys that were in need of MHMRA services would be scheduled to go see who they needed to see, assisted by another client. And all these on-hand situations helped these guys to prepare to reintegrate back into society, prepare to handle responsibilities, shed the institutional mentality, and move forward in life. Before even leaving the halfway house, clients would go over numerous "what if" situations that could possibly happen while out on activity to learn what would be expected if certain situations happen. And all of these situations, this is what helped clients learn how to reintegrate back into society and shed the institutional lifestyle that comes with being in prison for long periods of time. But with all of the pros for

positive change, there were a lot more cons that the clients had to deal with because of the strikes on their backs.

The outpatient program had at least 107 rules that clients could be sent back to prison for resulting in third degree felony that will automatically be enhanced to a second degree felony. Yes, rules, not actual broken laws that would send clients back to prison. Many of these rule violations were so minor like talking to regular parolees that lived in the same halfway house that Civil Commitment clients lived in, or being late for a meeting, or back to the halfway house even if it's not their fault could result in more time than a client originally had, to a life sentence. The thing that I find ironic is how the clients are labeled as Sexually Violent Predators "SVP's", not one of the clients in the outpatient program committed another sex offence while out in society. There was one client that had workex his way up to working at Brake Check. He was forced to quit his job because his case manager didn't want to do what they call visuals of him at

work every other Saturday. It was crystal clear to the clients and their families that the outpatient program was designed to send clients back to prison for a long time, or at best a life sentence if clients didn't conduct themselves like robots. So, to go from the 1999 – 2015 with nobody completing the program, a number of attorneys, legislators, and prison advocacy groups called for reforms to Texas laws governing the Civil Commitment of sex offenders, with many warning that the state's Civil Commitment program may be unconstitutional due to the way it's managed, according to the March 2015 article in the issue of Prison Legal News, a publication of the Human Rights Defence Center www.humanrightsdefensecenter.org written by Matt Clarke.

Now let's talk about what the program has become since then. The new prison in charge of the Texas Civil Commitment program is Marsha McClain, a program specialist from the Texas Board of Pardons and Paroles who boasts 30 years of criminal justice

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experience (no treatment or therapeutical background), that was unanimously approved on May 3 2014 to head the Texas Office of Violent Sex Offender Management (OVSOM) by the agency's board (which they also have no treatment or therapeutical background) to replace Allison Taylor. For a person to be put in charge of a so-called treatment program with no therapeutical background, it would only make sense to hire a company that specializes in therapy/treatment. Or at least for enough time for the heat to die down so she could be able to run the program how she would really want to run it, with an iron fist. The set up that was put together for the outpatient program looked like this might just be the answer to how the last management failed. That will depend on who you ask whether it's management, clients, or client's families and loved ones. The pros to this new inpatient program, at the beginning were there are 4 rules that will get a person sent back to prison instead of 107. If a client contacts a victim, removed or tampers with GPS devices, fails to reside

where instructed, and leaves the State without permission. That change in itself was a major relief to all clients that were from the outpatient program because they all knew what it felt like to have to walk on egg shells everyday in the outpatient program. But the major con to the new inpatient program is that clients are housed in an actual prison, There is no interaction with society and 90% of the families to these clients live 5 to 6 hours away. That in itself is three steps backwards. The company that was brought in was Correct Care to mirror their Civil Commitment program in Florida. Clients were told to forget about all the years of treatment that they were already taught, learned, and worked to implement into their lives, to be told it wasn't good enough or didn't work.

The thing about that is, mostly all of the therapists that will travel to the facility start off as an ASOTP. Those therapists work there to get their hours in order to get their LOSTP. These therapists end up moving on because their opinion and recommendations are overlooked and not valued

by McClain. So there is a high turn-over rate in clinical directors as well as therapists. Inadequate treatment and unqualified staff of TCCC make meaningful treatment impossible.

Not knowing all of the ins and outs about why Correct Care decided to back out of their contract with TCCO, but the rumor that sounds realistic is that McClain interfered with their ways of running the program. For instance, there was a tier level system as well as a care level system. The tier levels are about your progress in groups where as the care levels were for behavioral issues and on privilege level. But McClain made it her business to take away the care levels so that TCCO will be able to take a client's tier level to make it that much longer to complete the program. That in itself after so long has caused the problem of being over crowded. In the context of civil commitment, due process requires that the nature and duration of commitments bear some reasonable relation to the purpose for which the individual is committed.

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Kansas v. Hendricks, 521 U.S. 346, 356 (1997). In the object or purpose of the state law is to provide treatment, but the treatment provisions were adopted as a sham or mere pretext, there would be an indication of the forbidden purpose to punish. If Civil Commitment were to become a mechanism for retribution or general deterrence, the Supreme Court precedents would not suffice to validate it.

Hendricks, at 371 – 373; see also Bell v. Wolfish, 441 U.S. 520, 535 (1979) (the purpose must not be punitive, as punishment is reserved for the criminal justice system). Thus, the Fourteenth Amendment mandates that civil detainees receive treatment for their so-called disorders that led to their confinement and be released when they have improved enough to no longer be dangerous. (Hughes v. Dimas, 837 F.e3d 807, 808 (7th Cir 2016). The question is, does McClain, Whittmire, Abbot, and the rest of the higher-ups for the Texas Civil Commitment program understand the law or do they feel like they are above the law? Actual treatments of the civilly

confined is what separates commitments from punishments and incarceration without adequate treatments designed to effectuate ultimate release a civil commitment program is nothing more than a de facto prison disguised as a mental health facility. The Constitution clearly dictates that a civil detainee cannot simply be warehoused and put out of sight; they are not prisoners and must be afforded adequate treatment. Specifically, they are entitled by law to more considerate treatment and conditions of confinement than criminals who's conditions of confinement are designed to punish. Youngberg, 457 U.S. at 322; see also Allen v. Illinois, 478 U.S. 364, 370 (1986) (“In short, the State has disavowed any interest in punishment, provided for the treatment of those it commits, and established a system under which committed persons may be released after the briefest time in confinement. Texas Civil Commitment Center operates contrary to these important principles. So in reality, how much better is the management now compared to that of Allison Taylor? Not much different

Except for how these clients are housed, it's still set as a life sentence.

The stories, accounts, and information submitted to the “Insider News” columns are not edited in any way. In certain situations, excerpts may be taken from longer submissions.

These inserts are for informational purposes, and are unique to every individual that chooses to write to the Texas Tea Newsletter. To include your own account in the next issue, please send your story and contact information to

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